

REMARKS

The Examiner has imposed a three-way restriction requirement between claims 1-9, drawn to a system comprising a physiologically based simulation model and a prediction module (denoted Group I by the Examiner), claims 10-18, drawn to a method of predicting pharmacokinetic behavior (denoted Group II by the Examiner), and claims 19-27, drawn to digital storage media (denoted Group III by the Examiner).

Reconsideration and withdrawal of the restriction requirement is respectfully requested. Any search of the system comprising a physiologically based simulation model and a prediction module is certain to include a search of the method of predicting pharmacokinetic behavior and the digital storage media, and any search of the method of predicting pharmacokinetic behavior or the digital storage media will necessarily include a search of the other as well as a search of the system comprising a physiologically based simulation model and a prediction module.

Accordingly, no additional burden would be placed on the Patent Office in searching all three groups together. By contrast, a very great burden will be placed on Applicants if this restriction requirement is maintained. Applicants will be subjected to three times the cost and effort in prosecuting three patent applications for an invention that should have been included in one, and will also be subjected to the continuing expense of maintaining three separate patents, whereas only one should be required to cover the full invention.

In addition, an additional burden will be placed on the public, in that the full scope of Applicants' exclusive rights will not be ascertainable from a single patent, and the public will have to find and study three separate patents to ascertain the full scope of Applicants' exclusive rights.

The great additional burden that will be placed on Applicants and the public in maintaining the restriction requirement is far greater than the slight, if any, additional burden that will be placed on the Patent Office in withdrawing the Restriction Requirement.

It is therefore respectfully requested that the Examiner withdraw the restriction requirement.

In the event that the Examiner does not find it possible to withdraw the Restriction Requirement, it is respectfully requested that the non-elected subject matter be rejoined with the elected subject matter upon allowance of elected subject matter.

In addition to imposing the restriction/election requirement, the Examiner has also objected to claims 26 and 27 as dependent upon non-existent claim 29. These claims have now been amended to depend from claim 19, and the objection should now be withdrawn.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
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